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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/491,199	01/25/00	KAMADA	T 00032/LH

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EXAMINER

NGUYEN, H

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 06/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/491,199

Applicant(s)

KAMADA ET AL.

Examiner

Henry Hung V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim language in the following claims is murky and not clearly understood:

i. as per claims 1, 5, 15, 20 and 30, it is not clear how “the correcting device” can perform its function for, as claimed, it has no information about the inclination of “the document positioning member”. How “the correcting device” knows that the document positioning member is inclined (see claims 1 and 15) or the feeding direction is inclined (see claims 5, 25) or the image read by the image reader is distorted. The meaning of “correcting an inclination...to an inclination of the document positioning member” (claims 1 and 15) and “correcting an inclination of the image...feeding direction by the document feeder” (see claims 5, 25) and “correcting a distortion...by the image reading device” (see claim 30) are ambiguous and indefinite. Accordingly, claims 1, 5, 15, 20 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a “means” for detecting the inclination of “the document positioning member” and/or “the inclination of the feeding direction” and/or “the distortion of the image read by the image reading device.

ii. as to claims 2-3, it is not clearly understood what "inclination information" the applicant refers to? Is it the inclination information of the document positioning member or the inclination information of the image read by the image reading device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. As best the claimed subject matters are understood (see rejection under 35 U.S.C. 112, second paragraph, supra). Claims are anticipated by references.

Claims 1-9, 15-16, 20-21, 25-26, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba (U.S.Pat. 5,211,386) in view of Kurosu et al (U.S.Pat. 5,181,260).

As to claims 1-9, 15-16, 20-21, 25-26, 30-34, Baba discloses an image forming device comprising: a document platen (3) on which a document is placed; a reference plane (Z1, Z2) defined on the platen (3) for positioning the original document on the document platen and an image reading device (7) for reading the image of document. Baba lacks to show "a correcting device" for correcting the inclination of the image. Kurosu et al discloses an correcting device for correcting the amount of any skew of the image which read by the image reader (see col.3, lines 45-49) and the memory (73, 79) for storing the skew information and well as the CPU (72) for controlling the correcting device . It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ "the correcting device" as taught by Kurosu into

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the image forming device of Baba to obtain the invention as specified in claims 1-9, 15-16, 20-21, 25-26, 30-34. It would have been obvious to incorporate the teachings of Baba and Kurosu to correct any skew of image caused by the inclination of the reference platen or slip of the automatic feeding system and thus improve the quality of the image to be copied.

Allowable Subject Matter

5. Claims 10-13, 17-19, 22-24 and 27-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art Made of Record

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Kulik (U.S.Pat. 5,233,168) discloses a method for deskewing an image by scanning a scannable image to capture in memory a pixel by pixel mapped image and determining size and skew of the mapped image.

Masui (U.S.Pat. 5,373,371) discloses an image processing apparatus having a comparing unit for comparing image data in a plurality of scan lines, and a calculating unit for calculating deviation from reference line of the region to be moved on the basis of a result of comparison by the comparing unit and a moving unit for moving individual pixels in each scan line based on the calculated results.


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Kitsutaka et al (U.S.Pat. 5,805,306) and Tretter (U.S.Pat. 5,901,253) discloses image forming device having skew image correction and have been recited for technical background.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Hung V Nguyen whose telephone number is 703-305-6462. The examiner can normally be reached on Monday-Friday (First Friday off).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

hvn
June 13, 2001


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
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